IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 25251 of 2004

Between:

S.Shabbir Ahmed, s/o S.Ahmed Miya,
of Masjid-E-Khadu Miah, r/o Kurnool, Kurnool District.

... PETITIONER

AND

1 The District Collector, Kurnool, Kurnool District.
2 Revenue Divisional Officer, Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not responding to our representation dated 2-12-2004 from preventing the anti-social elements from encroaching the Government land in Survey no.35/5 and Survey No.140 which includes the petitioner's Mosque property as illegal, arbitrary and consequently direct the respondents to consider the representation dt.2-12-2004 by directing to take steps from making any encroachments including constructions in the above survey numbers as the entire land being Government poramboke land and more specially in Sy.No.140 to the extent of petitioner's Masjid appurtenent land from raising any constructions and to pass suchother order or orders

Counsel for the Petitioner: MR.J.U.M.V.PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not responding to the representation of the petitioner dated 02-12-2004 from preventing the anti-social elements from encroaching the Government land in S.No.35/5 and S.No.140, as illegal arbitrary and to direct the respondents to consider the said representation.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. The petitioner, who is an executive member of the Mosque bearing H.No.41-141 situated in S.No.140 at Kothapet Street, Kurnool District states that towards the north of the mosque, there is Wakf property and Government Poramboke land, which, some locals are trying to grab, by raising a compound wall, blocking the way to the Masjid. It is stated that petitioner made a representation dated
02-12-2004 to the first respondent, District Collector requesting him to direct the Mandal Revenue Officer concerned to conduct survey as to how much Wakf property including the open land belongs to the Masjid and the Government is under the threat of grabbers, but so far no action had been taken on the said representation and the same is pending on the file of the first respondent.

4. In view of the fact that the representation of the petitioner dated 02-12-2004 is pending on the file of the first respondent, District Collector, I deem it appropriate to dispose of the writ petition directing the first respondent to consider and dispose of the representation of the petitioner and pass appropriate orders, thereon, expeditiously, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

January 17, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY

SECTION OFFICER

Copy to:

1 The District Collector, Kurnool, Kurnool District.
2 Revenue Divisional Officer, Kurnool.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.